

WILLIAM P. FLAHIVE

LAW OFFICE OF WILLIAM P. FLAHIVE, L.L.C.

DIAMOND SILVER OFFICE COMPLEX

24 ARNETT AVENUE

SUITE 103

LAMBERTVILLE, NEW JERSEY 08530

(609) 397-6390

Fax: (609) 397-3070

bill@wpflahive.com

May 19, 2015

The Hon. Kevin McNulty, U.S.D.J.
United States District Court
Frank R. Lautenberg U.S.
P.O. & Courthouse
Room 417
Federal Square
Newark, NJ 07101

Re: J.L.D. v. Gannon, et al.
Dkt. No. 15-386

Dear Judge McNulty:

As you know, defendant Edward V. Gannon filed a motion to dismiss that is returnable June 1, 2015. Plaintiff J.L.D.'s opposition papers were due on May 18, 2015. No opposition papers have been filed on the electronic docket or served on defendants. Therefore, I ask that the pending motion to dismiss be granted as it is unopposed.

In the recent past, plaintiff has not followed Court orders to file a second amended complaint (March 20, 2015 order) or to respond to the factual allegations contained in a letter sent on April 3, 2015 (April 6, 2015 order). Now plaintiff has declined the opportunity to oppose defendant Gannon's motion to dismiss as set forth in the Federal Rules of Civil Procedure and the Local Civil Rules.

Plaintiff's inaction demonstrates his decision not to pursue this matter. At this point, he should be considered to have forfeited his ability to do so. Thus, the motion to dismiss claims against Edward Gannon should be granted with prejudice.

Fed. R. Civ. P. 1 states that the Federal rules should be "construed and administered to secure the just, speedy, and inexpensive determination of every action and proceeding." Based on plaintiff's inaction and his decisions not to follow the Court's

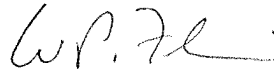
May 19, 2015

Page 2

orders or the time requirements in the Federal and Local rules, a dismissal with prejudice is the appropriate remedy to achieve the principles set forth in Fed. R. Civ. P. 1.

Respectfully Submitted,
LAW OFFICE OF
WILLIAM P. FLAHIVE, L.L.C.

By:



William P. Flahive

cc: J.L.D. (via ECF and regular mail)

Dawn Sullivan, Esq.

Edward V. Gannon

DAG Susan Scott (via ECF)